THE

# MYSORE GAZETTE.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

## Acts & Regulations passed by His Highness the Maharaja of Mysore.

### REGULATION II OF 1885.

The following Regulation received the assent of His Highness the Maharaja on the fifteenth day of September 1885, and is hereby promulgated for general information.

*A Regulation to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.*

WHEREAS it is expedient to apply to the Territories of Mysore Act XVI of 1863 of the Governor-General of India in Council, His Highness the Maharaja is pleased to enact that the aforesaid Act XVI of 1863 shall have the force of law in the Territories of Mysore, with the modifications and omissions hereunder mentioned, and with effect from the first day of October 1885.

*In Section* 1, For "calculated at ten per cent," substitute "not exceeding five per cent."

2. For "British India," read "the Territories of Mysore," and for "Board of Revenue" and "Local Government" read "the Government of His Highness the Maharaja of Mysore."

3. Omit Section 8.

MYSORE,
*15th September* 1885.

K. SHESHADRI IYER,
*Dewan of Mysore.*

## ACT NO. XVI OF 1863 AS EXTENDED TO MYSORE BY REGULATION II OF 1885.

*An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.*

Preamble.

WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; It is enacted as follows:—

Such spirits may be removed from Distillery on payment of duty, on condition.

I. Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of the Territories of Mysore on payment of duty not exceeding five per cent on the value of the Spirits: Provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

Rules for ascertaining and determining that spirits to be removed have been rendered unfit for human consumption, &c.

II. The Government of His Highness the Maharaja, or other Authority specially authorized in that behalf by the Government of His Highness the Maharaja shall prescribe, from time to time, subject to the approval of the Government of His Highness the Maharaja, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such Spirits to be so rendered, if necessary, by its own officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* duty shall be levied.

Penalty for breach of such rules.

III. Every person who shall wilfully contravene any rule prescribed by the Government of His Highness the Maharaja, or other Authority as aforesaid, under the last preceding Section of this Act, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees for every such offence.

Penalty for attempting to render fit for human consumption spirits removed under this Act.

IV. Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand rupees; and the possessor of such Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any officer exercising the powers of a Magistrate to a penalty not exceeding five hundred rupees.

Such penalty how to be levied.

V. Any penalty imposed under either of the last two preceding Sections may, in case of non-payment, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

VI. In case any such penalty shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

In case of non-payment of penalty offender may be detained pending return to distress warrant.

VII. If, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment of offender in case of failure to recover penalty by distress.

VIII. * * * * *

IX. In every case of conviction under Section III or Section IV of this Act the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit shall be liable to confiscation.

Confiscation in cases of conviction under Sections III or IV.

K. SHESHADRI IYER,
*Dewan of Mysore.*

## REGULATION III OF 1885.

The following Regulation received the assent of His Highness the Maharaja on the fifteenth day of September 1885, and is hereby promulgated for general information.

*A Regulation to amend the law relating to the Excise Revenue in the Territories of Mysore.*

WHEREAS it is expedient to apply to the Territories of Mysore Act XXII of 1881 (the Excise Act) as amended by Act VI of 1885, His Highness the Maharaja is pleased to enact that the aforementioned Acts XXII of 1881 and VI of 1885 shall have the force of law in the Territories of Mysore with the modifications and omissions hereunder mentioned :—

1. For "Local Government," "Chief Revenue Authority" and "Chief Controlling Revenue Authority," read "Government of His Highness the Maharaja." For "Collector" read "Deputy Commissioner." For "British India" read "the Territories of Mysore."

2. In the preamble, for "Northern India, British Burma and Coorg" read "the Territories of Mysore."

3. For the second and third paragraphs of Section 1, substitute "It extends to the whole of the Territories of Mysore, and it shall come into force on the first day of October 1885.

4. In Section 3, omit the definitions of "Chief Revenue Authority," "Commissioner of Revenue" and "Collector," and the words "subject to the control of the Governor-General in Council," "and in British Burma one reputed quart bottle," and "and in British Burma four reputed quart bottles."

5. In Section 4, omit the words "or the Cantonments Act, 1880."

6. In Section 7 for Clause (*a*), substitute "(*a*) such duty as the Government of His Highness the Maharaja may, from time to time, fix in respect of such spirit, has been paid, or", and in Clause (*c*) of the same section omit the words "with the previous sanction of the Governor General in Council."

7. Omit Section 10.

8. In Sections 11 and 22, omit the first para and the words "in the other Territories to which this Act extends" in the second para.

9. In Section 11 after the word "cultivation" add "export and import."

10. For the first and second paragraphs of Section 13, substitute the following:—

"Subject to the rules made by the Government of His Highness the Maharaja, "the Deputy Commissioner may grant licenses for the sale of spirit and "fermented liquor, foreign and country, and of intoxicating drugs, wholesale "or retail, within his district or any part thereof or any place therein."

11 In Section 14 omit the words "Commissioner of Revenue or."

12. In Section 16 omit "(except in British Burma)."

13. In Section 23 for the words "any Territory to which this Act extends," read, "the Territories of Mysore," and for the words, "under the Indian Tariff Act, 1875, Section eleven," substitute "by the Government of His Highness the Maharaja."

14. In Section 54, para 1, for "Commissioner of Revenue" read "Government of His Highness the Maharaja," and for "such Commissioner," "such Government," and in paragraph 2 omit "or by a Commissioner under this Section."

15. The Notification of the Government of India, Foreign Department, Judicial, No. 251 I. J., dated the 12th September 1879, extending Act X of 1871 to the Territories of Mysore, is hereby repealed with the consent of the Governor-General in Council.

MYSORE,
15th *September* 1885.

K. SHESHADRI IYER,
*Dewan of Mysore.*

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## THE EXCISE ACT, 1881, AS AMENDED BY ACT VI OF 1885 AND EXTENDED TO MYSORE BY REGULATION III OF 1885.

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*An Act to amend the law relating to the Excise Revenue in the Territories of Mysore.*

Preamble.

WHEREAS it is expedient to amend the law in force in the Territories of Mysore relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom ; It is hereby enacted as follows :—

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## CHAPTER I.

### PRELIMINARY.

1. This Act may be called "The Excise Act, 1881":

Short title.

It extends to the whole of the Territories of Mysore; and

Local extent.

It shall come into force on the first day of October 1885.

Commencement.

2. On and from that day the Excise Act, 1871, shall be repealed, but all rules made, powers conferred and licenses and farms granted under that Act and in force on the same day shall be deemed to have been respectively made, conferred and granted under this Act.

Repeal of Act X of 1871.

Interpretation-clause.

3. In this Act—

* * * * * * *

(c) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class, or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the District:

"Magistrate".

(d.) "Place" includes also house, boat and raft:

"Place":

(e.) "Tári" means the sap of any kind of palm-tree:

"Tári":

(f) "Fermented liquor" means malt liquor, wine, pachwai and fermented tári, and, in any provision of this Act, shall, if the Government of His Highness the Maharaja so directs, include any other fermented liquor, and also tárí though it may not have perceptibly begun to ferment:

"Fermented liquor":

(g) "Spirit" means any liquor containing alcohol obtained by distillation:

"Spirit":

(h) The expression "intoxicating drugs" means gánja, bhang, charas, and every preparation and admixture of the same:

"Intoxicating drugs":

(i) "Tola" means a weight of one hundred and eighty grains Troy:

"Tola":

(j) "Seer" means a weight of eighty tolas:

"Seer":

(k) The articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

"Retail":

Foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles; country spirit, one seer;

country fermented liquor, four seers;

bhang, or any preparation or admixture thereof, one quarter of a seer;

gánja or charas, or any preparation or admixture thereof, five tolas:

If sold in larger quantities they shall be deemed to be sold wholesale.

"Wholesale."

In any case in which doubt arises the Government of His Highness the Maharaja may decide what for the purposes of this Act shall be deemed to be "country spirit," "country fermented liquor," "foreign spirit," and "foreign fermented liquor;" and such decision shall be binding on the Courts.

"Country spirit."
"Foreign spirit."

4. Nothing herein contained shall affect Act No. XVI of 1863 (*to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry*).

Saving of Act XVI of 1863.

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## CHAPTER II.

### PRODUCTION OF SPIRIT, FERMENTED LIQUOR, AND INTOXICATING DRUGS.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Deputy Commissioner or by a person authorized by the Deputy Commissioner to grant such license, and in accordance with the conditions (if any) contained therein.

Manufacture of spirit and liquor without license prohibited.

6. The Deputy Commissioner may, with the previous sanction of the Government of His Highness the Maharaja, from time to time,

Power to establish distilleries for country spirit.

(*a*) establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established;

(*b*) fix limits within his district within which no such spirit, unless made in the said distillery, shall be introduced without a pass from him.

7. No spirit shall be removed from any distillery licensed under section five or established under section six, until—

Duty on spirit.

(*a*) such duty as the Government of His Highness the Maharaja may, from time to time, fix in respect of such spirit, has been paid, or

(*b*) a bond for such duty has been executed, or

(*c*) a duty in respect of the materials used in making such spirit has been levied at such rates and in such manner as the Government of His Highness the Maharaja may, from time to time, direct.

8. The Government of His Highness the Maharaja may, from time to time, make rules as to—

Power to make rules as to distilleries and breweries licensed under Section 5.

(*a*) the granting of licenses for distilleries, stills and breweries under section five;

(*b*) the notices to be given by the proprietor of a licensed distillery when he commences and discontinues work;

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(c) the size and description of the stills in such distillery ;

(d) the storing and passing out of the spirit made in such distillery, and the contents of the passes ;

(e) the inspection and examination of the distillery and warehouses, and of the spirit made and stored therein ;

(f) the furnishing of statements of the spirit, and of the stills, coppers, casks and other utensils, in the distillery.

And for distilleries established under Section 6.

9. The Government of His Highness the Maharaja may, from time to time, make rules as to—

(a) the management of distilleries established under section six, and in particular as to the conditions on which any materials to be used in making spirit may be brought into such distillery ;

(b) the conditions on which spirit may be made in such distilleries ; and

(c) the storing and passing out of the spirit so made, and the contents of the passes.

10. * * * *

Government to regulate cultivation of hemp, &c.

11. The Government of His Highness the Maharaja may, from time to time, make such rules to restrict and regulate the cultivation, export and import of hemp and the preparation of intoxicating drugs therefrom as it may deem necessary to secure the duty leviable in respect of those drugs.

## CHAPTER III.

### SALE OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

Spirit, fermented liquor and drugs not to be sold without license.

12. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained.

Proviso.

Provided as follows—

(a) nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease ;

(b) any officer empowered in this behalf by the Government of His Highness the Maharaja may grant to travelling merchants, subject to such rules and restrictions as such authority may from time to time prescribe, a general license authorizing them to sell foreign spirit and foreign fermented liquor wholesale in any district, which they may visit in the course of their travels, without taking out a fresh license for that district ;

(c) any person making or producing country spirit or country fermented liquor in accordance with the provisions of this Act may, subject to any rules from time to time made by the Government of His Highness the Maharaja in this behalf, sell such spirit or liquor to any person licensed under this Act as a retail vendor of such spirit or liquor ;

(d) any cultivator of the hemp plant may sell any intoxicating drug prepared from his plants to any person licensed under this Act to sell the same, or to any person authorized to purchase the same by the Deputy Commissioner's order in writing.

Licenses how granted.

13. Subject to the rules made by the Government of His Highness the Maharaja, the Deputy Commissioner may grant licenses for the sale of spirit and fermented liquor, foreign and country, and of intoxicating drugs, wholesale or retail, within his district or any part thereof or any place therein.

Power to cancel license for cause specified therein.

Any license granted under this section may be cancelled by the Deputy Commissioner for any cause specified therein.

Power to cancel license for other causes.

14. Whenever the Deputy Commissioner considers that the license of a vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Government of His Highness the Maharaja directs.

On the expiration of such notice or the payment of such additional compensation, the Deputy Commissioner may cancel the said license.

Surrender of retail license.

15. Any retail vendor licensed under this Act may surrender his license on the expiration of one month's previous notice given by him to the Deputy Commissioner of his intention to surrender the same, and on payment of such sum, not exceeding the amount of the license-fee for six months, as the Deputy Commissioner may fix in this behalf.

If the Deputy Commissioner is satisfied that there is a sufficient reason for surrendering a license, he may remit the sum so fixed.

Power to farm fees.

16. The Deputy Commissioner may, with the sanction of the Government of His Highness the Maharaja, let in farm—

(a) the fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or country fermented liquor or of intoxicating drugs:

(b) the right to manufacture, in any district or part of a district in which no distillery is established under section six, country spirit or country fermented liquor.

Farmer to grant licenses.

When the fees so leviable or the right to manufacture such spirit or liquor, or both, are or is let in farm, the farmer may, subject to such reservations or restrictions as the Deputy Commissioner, with the sanction of the Government of His Highness the Maharaja, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or for both, as the case may be, of such articles within the local

limits of his farm, and shall file in the Deputy Commissioner's office a list of all the licenses granted by him in such form and on such day or days in each year as the Government of His Highness the Maharaja may, from time to time, prescribe in this behalf.

List of licenses granted by farmer to be filed.

17. The Deputy Commissioner may, with the sanction of the Government of His Highness the Maharaja, cancel any farm granted under this Act.

Farm may be cancelled.

18. If any such farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses be made or imposed within the term of the farm, the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Government of His Highness the Maharaja may determine.

Compensation to farmers in certain cases.

19. Every farmer under this Act may use the same means and processes for the recovery of any arrear of fees due to him from any retail vendor as may be lawfully used by the local landholders for the recovery of arrears of rent due to them from their tenants.

Recovery of arrears by farmers.

20. The Government of His Highness the Maharaja may, from time to time, make rules to regulate the mode in which tárí shall be supplied to licensed vendors of the same, and the grant of licenses or passes to persons possessing or transporting intoxicating drugs for the supply of the licensed vendors of such drugs.

Power to regulate supply of tárí and intoxicating drugs to licensed vendors.

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## CHAPTER IV.

### POSSESSION OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS.

21. No person shall have in his possession any quantity of any spirit or fermented liquor larger than that specified in section three, clause (*k*), in respect of such spirit or liquor, unless he is permitted to manufacture or sell the same, or he holds a pass therefor from the Deputy Commissioner or from some other officer empowered by the Government of His Highness the Maharaja to grant such passes.

Possession of spirit, &c.

Nothing in this section extends to—

(*a*) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouse-man as such, or purchased by any person for his private use and not for sale, or

Proviso.

(*b*) tárí intended to be used for the manufacture of gúr or molasses.

22. No person shall have in his possession any larger quantity of intoxicating drugs than that specified in section three, clause (*k*), in respect of such drugs, unless he is permitted to manufacture or sell the same.

Possession of intoxicating drugs.

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## CHAPTER V.

### IMPORT OF SPIRIT.

Spirit from foreign territory subject to duty.

23. No person shall bring into the Territories of Mysore any spirit manufactured at any place in India beyond the limits of the Territories of Mysore until duty equal to the duty prescribed for such spirit by the Government of His Highness the Maharaja has been paid in respect thereof and a pass has been obtained therefor from such officer as the Government of His Highness the Maharaja may, from time to time, appoint in this behalf.

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## CHAPTER VI.

### OFFICERS AND THEIR POWERS.

Deputy Commissioner may appoint Excise-officers.

24. The Deputy Commissioner may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Recovery of arrears of fees.

25. The Deputy Commissioner may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the movable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land revenue due from land-holders or from farmers of land or their sureties.

Power of Excise officers to inspect shops.

26. Any Excise officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under this Act carries on the manufacture of country spirit, or the sale of country spirit, country fermented liquor or intoxicating drugs.

To arrest persons carrying spirit, &c., liable to confiscation.

27. Any Excise officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act;

and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it;

and may also arrest the person in whose possession such spirit, liquor or drug is found.

To arrest persons in possession of article liable to confiscation, and to seize article.

28. Any Excise officer in the receipt of a monthly salary of not less than ten rupees or who receives annual remuneration equivalent to such salary, may arrest any person having in his possession any article liable to confiscation under this Act, or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

To search on information of illicit manufacture or possession.

29. Whenever any Excise officer in receipt of such monthly salary or annual remuneration as aforesaid has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this Act is kept or concealed,

such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten rupees unless the Excise officer is himself such an officer of Police), enter into such place,

and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article,

and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

Deputy Commissioner may issue warrant of arrest in certain cases.

30. The Deputy Commissioner may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Deputy Commissioner may issue search warrant.

31. The Deputy Commissioner may issue his warrant for the search of any place in which he has reason to believe, either from information in writing, or from the proceedings in any other case under this Act or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Such warrant may be executed by any Excise officer in the receipt of a monthly salary of not less than ten rupees, at the time and in the manner prescribed in section twenty-nine.

Special warrant authorizing search at night.

Whenever the Deputy Commissioner thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise officer as aforesaid in the manner prescribed in section twenty-nine, and shall cease to be in force at sunrise on the day next following.

Excise officer to report arrest, &c.

32. Whenever an Excise-officer arrests any person,

or seizes any article liable to confiscation under this Act,

or enters any place for the purpose of searching for any such article,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and, unless acting under the warrant of the Deputy Commissioner, shall take the person arrested, or the article seized, with all convenient despatch to the Magistrate for trial or adjudication.

and to take person arrested to Magistrate.

33. Whenever any person is arrested or any article is seized under the warrant of a Deputy Commissioner issued under this Act, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized, to the Deputy Commissioner, and the Deputy Commissioner, after such inquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Procedure after arrest or seizure.

34. All Police officers are required to aid the Excise officers in the due execution of this Act, upon request made by such officers.

Police to aid Excise officers.

34A. The Government of His Highness the Maharaja may, from time to time, invest either by name or in virtue of his office—

Power to invest Police officers with powers of Excise officers.

(a) any Police officer with the powers conferred on Excise officers by Section 27 of this Act;

(b) any Police officer in charge of a station or any Police officer of or above the grade of Head Constable or Sergeant with the powers conferred on Excise officers by Sections 28 and 29 of this Act.

Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise officer within the meaning of this Act.

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## CHAPTER VII.

### PENALTIES.

35. Whoever in contravention of section five constructs, works or possesses a distillery, still or brewery, or makes fermented liquor, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

For illegally manufacturing spirit or liquor.

and all spirit and liquor made in contravention of section five, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

36. Any person who—

(a) without a special pass from the Deputy Commissioner, introduces, into the limits fixed for the consumption of spirit made at a distillery established under section six, any country spirit manufactured at another place, or

For illegally introducing country spirit.

(b) in contravention of section seven, or of any rule made under section eight or section nine, removes any spirit from a distillery, or

For illegally removing spirit.

(c) in contravention of section twenty-three, brings any spirit into the Territories of Mysore.

For illegally importing spirit.

shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both;

and the spirit, together with the vessels containing the same, and any animals and conveyances used in carrying it shall be liable to confiscation.

For contravening rules prescribed by Government.

37. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section eight or section nine, shall be punished with fine not exceeding one hundred rupees.

For illegally cultivating hemp and preparing drugs.

38. Any person who, in contravention of section eleven or of any rule made thereunder, cultivates hemp or prepares any intoxicating drug, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

For illicit sale of spirit, &c.

39. Any person who, in contravention of section twelve, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to four months, or with a fine which may extend to one thousand rupees, or with both,

For permitting drunkenness, &c., in shop.

40. Any person licensed to sell retail spirit, or fermented liquor, or intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

Illegal possession of spirit, liquor or drug.

41. Any person who possesses any spirit, liquor or drug, in contravention of section twenty-one or section twenty-two, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both;

and the spirit, liquor or drug, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

For refusal to produce license and for breach of rules and conditions.

42. Any person holding a license under this Act and refusing to produce the same on the demand of any Excise-officer, and any person who breaks any rule made under this Act or any condition of a license granted under this Act, for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

For conniving at illicit manufacture or sale of spirit, &c.

43. Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs, shall for every such offence be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

And any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug, within the local limits of such jurisdiction shall be punished with fine which may extend to five hundred rupees.

For Police neglecting to aid Excise-officers.

44. Any Police officer who, without lawful excuse, neglects or refuses to aid an Excise-officer as required by section thirty-four, and any officer in charge of a Police station who, on application made by an Excise-officer desiring to act under section twenty-nine, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For vexatious search or seizure.

45. Any Excise-officer who—

(a) without reasonable grounds of suspicion, searches or causes to be searched any place, or

(b) vexatiously and unnecessarily seizes the movable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(c) vexatiously and unnecessarily arrests any person, or

(d) commits any other excess not required for the execution of his duty,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees; or with both.

For delay in reporting arrest, &c., or in taking person arrested to Magistrate.

46. Any Excise-officer who, in contravention of section thirty-two or section thirty-three, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Deputy Commissioner as the case may be, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Prosecutions restricted.

47. A court shall not take cognizance of an offence punishable under any one of the following sections, namely, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and forty-three, except on the complaint or report of the Deputy Commissioner or an Excise-officer; and a court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Confinement in what jail.

48. Every person imprisoned for an offence under section thirty-seven or section forty-two shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Attempts and abetment.

49. Whoever attempts to commit any offence punishable under this Act or abets within the meaning of the Indian Penal Code the commission of any such offence shall be punished with the punishment provided for such offence.

Disposal of fines, &c., as rewards.

50. Any Magistrate before whom any person is convicted of any offence under sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one or forty-three may award to any person who has contributed in any way to such conviction the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

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51. Any article liable to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

Magistrate to pass order of confiscation.

## CHAPTER VIII.

### MILITARY CANTONMENTS.

52. Within the limits of any military cantonment, and within such distance from those limits as the Government of His Highness the Maharaja in any case prescribes, no licenses for the manufacture of spirit, or for the sale of spirit or fermented liquor, shall be granted, nor shall the fees leviable on licenses for the retail sale of such spirit or liquor, or the right to manufacture such spirit or liquor be let in farm, unless with the knowledge and consent of the Commanding Officer;

Manufacture and sale of spirits, &c., in military cantonments.

and upon his requisition any such license which has been granted, either by the Deputy Commissioner or by a farmer, within such distance or limits, shall be immediately cancelled.

53. In all the other respects the provisions of this Act shall have effect within such limits or distance: Provided that whenever any arrest or search under this Act is to be made within the limits of any cantonment, the Deputy Commissioner or other officer authorized to make such arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

Mode of making arrest or search in military cantonments.

## CHAPTER IX.

### MISCELLANEOUS.

54. The Deputy Commissioner shall in all proceedings under this Act be subject to the control of the Government of His Highness the Maharaja, and all orders passed by a Deputy Commissioner under this Act shall be appealable to such Government in manner provided by the rules for the time being in force relating to appeals from the orders of Deputy Commissioners.

Deputy Commissioner subject to control of Government.

The Government of His Highness the Maharaja may revise any order passed by a Deputy Commissioner under this Act.

55. The Government of His Highness the Maharaja may, from time to time, make rules consistent with this Act—

Additional power to make rules.

(a) as to the period for which any license or farm under this Act shall be granted;

(b) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

(c) as to the security to be given by any licensee or farmer under this Act;

(d) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein;

(e) as to the disposal of things confiscated under this Act;

(f) as to the duties of Excise-officers; and

(g) to provide generally for carrying out the provisions of this Act.

Power to exempt articles and persons.

56. The Government of His Highness the Maharaja may, from time to time, by notification in the official Gazette, exempt within any specified local area any specified articles or any specified class of persons from all or any of the foregoing provisions of this Act, and may, by like notification, cancel any such exemption.

K. SHESHADRI IYER,
*Dewan of Mysore.*